

11. UPDATED INFORMATIVE DIGEST

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There are no immediately preceding laws or regulations directly related to this proposed rulemaking action and its effect.

After the 45-day comment period several modifications were made to the originally proposed text. Notice was provided for a subsequent 15-day comment period regarding these changes. In addition, a few changes were made after the 15-day comment period. The net effect of those changes is described below:

SECTION 48. This section was added. Its purpose is to ensure that the regulated public knows that at least 5 days notice is required prior to submission of the emergency regulation to the Office and that the Office will accept public comment for 5 days once the file is submitted. Currently there is no mechanism by which the regulated public is made aware that they are able to comment on the proposed emergency regulations. This section requires the rulemaking agency to include a specified statement or one that is substantially similar to that statement regarding notice and opportunity to comment.

SECTION 50: Amendments were made to this section. First, the heading of this section was changed to be more accurate in describing its substantive content. Second, this section was amended to specify what is to be submitted to OAL in emergency filings. Previously this section only identified the notice statement as being required. This section was also modified to clarify the information and statements that must be submitted for a proposed emergency rulemaking. Subsection (a)(4) was deleted.

SECTION 52: Amendments were made to this section. This section was amended to reflect the fact that pursuant to the clear language of Government Code section 11346.1(a)(2), the five-day notice is required for readoptions of an emergency regulation. A new subsection was added to clarify that for a readoption an agency may incorporate by reference the previous rulemaking record rather than resubmit the entire contents again.

SECTION 54: This section was deleted.

SECTION 55: Minor modifications were made to this section:

- 1) clarifying that section 100 is a non-emergency filing in subsection (a)(2);
- 2) clarifying that comments must be received by OAL within 5 calendar days after notice of the emergency filing is posted by OAL in its Internet Website in subsection (b)(2);
- 3) clarifying that a commenter shall simultaneously submit comments to OAL and the agency in subsection (d);
- 4) adding a citation to Government Code section 11349.6(c) in subsection (f); and
- 5) clarifying that the numbered items in subsection (g) give guidance in regard to timeliness of agency rebuttals or responses.

All of these modifications are sufficiently related to the original text so that the public was adequately placed on notice that this change could result, as required by Government Code section 11346.8(c).